

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

Rosendo Icochea, M.D.

STATEMENT
OF
CHARGES

Rosendo Icochea, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 25, 1993 by the issuance of license number 193456 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A from in or about March 2006 through in or about November 2006. Patient A sought breast reduction surgery and abdominoplasty from Respondent.
1. Respondent performed a bilateral mastectomy which was neither requested nor consented to by the Patient.
 2. Respondent inappropriately performed a bilateral mastectomy without medical justification.
 3. Respondent failed to adequately document the surgeries he performed on Patient A.
 4. Respondent drafted false documentation to justify the mastectomy he performed on Patient A.
 - a. Respondent did so knowingly and with intent to deceive.
- B. In or about September 14, 2011, the State of New Jersey Department of Law and Public Safety, the Division of Consumer Affairs and the State Board of Medical Examiners

B. In or about September 14, 2011, the State of New Jersey Department of Law and Public Safety, the Division of Consumer Affairs and the State Board of Medical Examiners filed a Consent Order which required Respondent to cease and desist from the practice of medicine in New Jersey until he obtained a valid license from the Board; rendered Respondent ineligible to obtain a New Jersey medical license for a period of two years; and assessed a \$90,000 civil penalty.

1. In 2013, Respondent submitted a registration renewal to the New York State Education Department and falsely answered "No" to the question: Has any licensing or disciplinary authority revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, or refused to issue or renew a professional license or certificate held by you now or previously, or fined, censured, reprimanded or otherwise disciplined you?"

a. Respondent did so knowingly and with intent to deceive.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PERFORMING SERVICES NOT AUTHORIZED BY THE PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(26) by performing professional services which have not been authorized by the patient and/or her representative, as alleged in the facts of:

1. Paragraphs A, A1 and/or A2.

SECOND SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

2. Paragraphs A, A1, and/or A2.

THIRD SPECIFICATION

UNWARRANTED TESTS/TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(35) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

3. Paragraphs A and A2.

FOURTH AND FIFTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

4. Paragraphs A, A1, A2, A3, A4, and A4a.
5. Paragraphs B, B1 and B1a

SIXTH AND SEVENTH SPECIFICATIONS

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

6. Paragraphs A, A3, and A4.
7. Paragraphs B, and B1.

EIGHTH SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

8. Paragraphs A, A3 and A4.

DATE: January 14, 2016
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct